IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

Crl.MC.No. 253 of 2007()

AGAINST THE ORDER IN CMP 1278/05 IN
CC.454/1998 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, KANNUR

.....

PETITIONER: ACCUSED 1 & 2:

---

1. VISWANIKETHAN COMMUNITY DEVELOPMENT CENTRE, CHALAKKARA, MAHE, U.T. OF PONDICHERRY, REPRESENTED BY ITS DIRECTOR-CUM-CHAIRMAN.

2. RADHAKRISNAN P., DIRECTOR-CUM-CHAIRMAN, VISWANIKETHAN COMMUNITY DEVELOPMENT CENTRE, CHALAKKARA, MAHE, U.T. OF PONDICHERRY.

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS: STATE & COMPLAINANT:

---

1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, OFFICE OF THE ADVOCATE GENERAL, HIGH COURT OF KERALA, ERNAKULAM.

2. THE WESTERN INDIA COTTONS LTD., P.O. PAPPINISSERY, KANNUR-670 561, REPRESENTED BY ITS COMPANY SECRETARY, R.BALAKRISHNAN.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 07/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.253 of 2007

Dated this the 7th day of August 2007

O R D E R

The petitioner is the complainant in a S.138 proceedings initiated as early as in 1998. The matter continues even now without final disposal. The person who represented the complainant company at the initial stage is not any more available to represent the company. The company passed a resolution authorising another person to represent the company. The learned Magistrate permitted such representation by such person. Objections were raised; but as per the impugned order, copy of which is produced as Annexure V, the objection was turned down and permission was granted to such person to represent the company.

2. The petitioner claims to be aggrieved by the said order. I find absolutely nothing vitiating the impugned order which would justify invocation of the extraordinary inherent jurisdiction under Section 482 Cr.P.C. I am satisfied that this Criminal Miscellaneous Case does not deserve to be entertained. I make it clear that I have not pronounced finally on the validity of the impugned order. The petitioner's option to challenge the said order, if necessary, along with the final order disposing of the case shall remain unfettered by the dismissal of this Criminal Miscellaneous Case.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007